

## **CHAPTER 10 – MUNICIPAL PLANNING**

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## **CHAPTER 10 – MUNICIPAL PLANNING**

### **Article 1 – Comprehensive Plan**

#### **SECTION 10-101: ADOPTED; INCORPORATED BY REFERENCE**

A. The chair and Board of Trustees of the village adopted the Comprehensive Development Plan dated June 16, 2001 for the village and for that area within one mile of its corporate limits. Said Comprehensive Development Plan, together with all explanatory material and supporting documentation, are incorporated herein by reference and declared to be a part of this code.

B. Three copies of the Comprehensive Development Plan of the village, together with all changes, amendments, or additions thereto, shall be maintained in the office of the village clerk and shall be available for public inspection during regular office hours.

(Ord. No. 84-2, 1/28/84) (Am. by Ord. No. 2001-10, 8/21/01)



## Article 2 – Zoning Regulations

### SECTION 10-201: ADOPTED; INCORPORATED BY REFERENCE

A. The chair and Board of Trustees of the village adopted the Zoning Regulations dated June 19, 2001 for the village and for that area within one mile of the corporate limits. Said Zoning Regulations, together with all explanatory material and supporting documentation, are incorporated herein by reference and declared to be a part of this code.

B. The existing Flood Plain Regulations of the village found in Article 4 of this code are incorporated herein by reference.

C. The official Zoning Map for the village and for that area within one mile of its corporate limits shall be identified by the signature of the village chair, attested by the village clerk, and bear the seal of the village under the following words:

"This is to certify that this is the official Zoning Map referred to in Section 4 of Ordinance No. 2001-11 of the Village of Ceresco, Nebraska, adopted June 19, 2001."

D. Three copies of the Zoning Regulations and three copies of the official Zoning Map of the village and for that area within one mile of its corporate limits, together with all changes, amendments, or additions thereto, shall be maintained in the office of the village clerk and shall be available for public inspection during regular office hours. (Ord. No. 84-3, 1/28/84) (Am. by Ord. No. 2001-11, 6/19/01)



## **Article 3 – Subdivision Regulations**

### **SECTION 10-301: ADOPTED; INCORPORATED BY REFERENCE**

A. The chair and Board of Trustees adopted Subdivision Regulations dated June 19, 2001 for the village. Said regulations, together with all explanatory material and supporting documentation, are incorporated by reference and declared to be a part of this code.

B. The Subdivision Regulations shall include any amendments thereto as are made from time to time.

C. One copy of the Subdivision Regulations shall be kept on file with the village clerk and available for public inspection during regular office hours.  
(Ord. No. 84-3, 1/28/84) (Am. by Ord. No. 2001-12, 6/19/01)

### **SECTION 10-302: WAIVER OF OBJECTIONS**

The Village of Ceresco hereby waives any objections it may have to any subdivision which occurred within its zoning jurisdiction and filed with the register of deeds prior to February 10, 1984, whether or not such subdivision complied with ordinances or regulations in effect by the village prior to such date. (Ord. No. 91-7, 3/18/91)





## Article 4 – Flood Plain Permit

### SECTION 10-401: APPLICATION

No person, firm, or corporation shall erect, construct, enlarge or improve any building in the Flood Plain Zoning District without first obtaining a permit for the building or structure. Application for the flood plain development permit shall be made by indicating on the building permit application that the property involved is located within the F-P Flood Plain District. The permit application must include the following information:

A. Identity and description of the work to be covered by the permit for which the application is made.

B. Description of the land on which the proposed work is to be done, including lot, block, tract, and house and street address or similar description that will readily identify and definitely locate the proposed building or work.

C. Identification of the use or occupancy to which the proposed work is intended.

D. Elevations (in relation to mean sea level) of the lowest floor (including basement or, in the case of flood-proofed nonresidential structures, the elevation to which it has been flood-proofed). Documentation or certification of such elevations will be maintained by the building inspector.

E. The application shall be signed by the owner of the property upon which the work is to be done or his or her designated representative. The building inspector may require such other and further information as deemed necessary in order to determine the compliance of the proposed work with the requirements of this chapter and all other ordinances and regulations of the village. (Ord. No. 89-4, 6/5/89)

F. The Village Board hereby designates the following as the official maps to be used in determining those areas of special flood hazard: (1) the current Flood Hazard Boundary/Flood Insurance Rate Map dated April 5, 2010 for the village and (2) the current Flood Hazard Boundary/Flood Insurance Rate Map dated Feb.18, 2011 for the village's extraterritorial jurisdiction in Lancaster County, Nebraska. (Ord. No. 2011-4, 2/22/11)

### SECTION 10-402: BUILDING INSPECTOR

Upon receipt of a flood plain development permit application, the building inspector shall determine and ensure that the proposed construction complies with all regulations applicable to the building or structure proposed to be constructed. For the purposes of carrying out his or her authority under this article, the building inspector shall have all the powers, duties, and responsibilities as is designated elsewhere in this chapter for enforcement of building regulations. (Ord. No. 89-4, 6/5/89)

**SECTION 10-403: APPLICABILITY**

The provisions of this article shall apply to all new construction, substantial improvements and other developments, including placement of manufactured homes located within the F-P Flood Plain Zoning District. (Ord. No. 89-4. 6/5/89)

**SECTION 10-404: REQUIREMENTS**

Before issuing the flood plain development permit, the building inspector shall determine that the site of the proposed development is reasonably safe from flooding, that all Zoning Regulations are met and that all necessary permits have been received as required by federal or state law. The building inspector shall authorize regulatory flood elevation data and floodway data available from the federal or state governments or other sources, until such data is provided by the Federal Insurance Administration in a flood insurance study in order to review and determine the compliance of the proposed development with these regulations.

A. New construction or substantial improvement of any residential structure shall not be approved unless the lowest floor, including basement, has an elevation 1 foot above the base flood elevation.

B. New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have either the lowest floor, including basement, elevated 1 foot above the base flood elevation or, together with attended utility and sanitary facilities, be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the building inspector.

D. Fully enclosed areas below the lowest floor that are subject to flooding in new construction or substantial improvements shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottoms of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. New structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

F. New structures shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

G. If the flood plain development permit application is for the placement of a manufactured home, the application must meet the following specific anchoring requirements:

1. Assure that all manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes, and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements or their equivalent shall be met:
  - a. Over-the-top ties must be provided at each of the four corners of the mobile home, with two additional ties per side at the intermediate locations. Mobile homes less than 50 feet long shall require one additional tie per side.
  - b. Frame ties must be provided at each corner of the home, with five additional ties per side at intermediate points. Mobile homes less than 50 feet long shall require four additional ties per side.
  - c. All components of the anchoring system must be capable of carrying a force of 4,800 pounds each.
  - d. Any additions to a mobile home must be anchored with the same techniques.
2. Require that all manufactured homes which are to be placed within Zone A on the community's Flood Insurance Rate Map (FIRM) be elevated on a permanent foundation such that the lowest floor of the manufactured home is 1 foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (G)(1) above.

(Ord. No. 89-4, 6/5/89)

## **SECTION 10-405: DEFINITIONS**

Unless specifically defined herein, words shall have the meanings as set forth in the International Building Code. For purposes of this article only, the following words and phrases shall have the meanings as set forth hereafter.

**%Base flood elevation+** shall mean the water surface elevation of the 100-year flood.

**%Development+** shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**%Flood proofing+** shall mean any combination of structural or non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

**%Lowest floor+** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**%Manufactured home+** shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, "manufactured home" does not include park trailers, travel trailer, and other similar vehicles.

**%Manufactured home park or subdivision+** shall mean a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**%Start of construction+** [For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, or other improvement was within 180 days of the permit date. The **%actual start+** means the first placement for permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. **%Permanent construction+** does not include land preparation such as clearing, grading and filling nor does it include (A) installation of streets and/or walkways; (B) excavations for a basement, footings, piers, or foundations for the erection of temporary forms; or (C) installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

**%Structure+** shall mean walled and roofed construction, including a gas or liquid storage tank that is principally above the ground, including, without limitation, buildings, factories, sheds, cabins, manufactured homes and other similar uses.

%Substantial improvement+shall mean any repair, reconstruction or improvement of a structure whose cost equals or exceeds 50% of the market value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (A) any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or (B) structures listed in the National and State Registers of Historic Places.

(Ord. No. 89-4, 6/5/89)



## **Article 5 – Penal Provision**

### **SECTION 10-501: VIOLATION; PENALTY**

Any person, whether as owner or proprietor or as the agent, attorney, or representative of any owner or proprietor of land who shall plat or subdivide any tract of land within the corporate limits of the village or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining and contiguous thereto without having first obtained the acceptance and approval of the plat or map thereof by the Village Board, and any person who shall violate or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore as now existing or as hereafter amended shall upon conviction be fined in any sum not exceeding \$500.00.